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II WWG/1.14

March 8, 1960

**BASIS OF A MODUS VIVENDI IN BERLIN**

The present paper is an attempt to synthesize the Working Group discussions of the principles of the Allied position in Berlin and the minimum requirements for Berlin as outlined in II WWG/5.3, II WWG/1.9, and II WWG/1.11.

There can be no real, satisfactory and lasting solution to the problem of Berlin except through the reunification of Germany in peace and freedom. Under present circumstances, the Western Peace Plan is the most appropriate approach to a solution of the problem.

Continuation of the existing situation in Berlin may therefore be regarded only as a modus vivendi in a situation in which such a real solution does not appear negotiable. The question arises whether it might not be possible to negotiate, for the interim until reunification, some modus vivendi which would be more satisfactory or more likely to be durable than the present one. If such a new modus vivendi cannot be achieved, an effort will have to be made to maintain the status quo against intensified efforts by the Soviet Union and the "German Democratic Republic" to undermine it.

A modus vivendi acceptable to the Western Powers must rest on certain basic principles, and these principles in turn impose certain minimum requirements which would have to be met by any new proposal worthy of consideration. These principles, the requirements which flow from them, and the manner in which these requirements are being met at present, and some questions which should be asked in examining new proposals are summarized below. (The word "Berlin" in the minimum requirements below refers to all Four Sectors if a proposal for another modus vivendi is meant to apply to all Berlin but only to the three Western Sectors if such a proposal does not contemplate the reunification of the city.)

**1. Political Freedom**

**Minimum Requirement** - A modus vivendi must assure the continuance of a constitutional government based on free elections and guaranteeing democratic process and civil rights.

**Present Situation** - This requirement is met by the Berlin Government founded on the Constitution of 1950. However, this Government has not been permitted to exercise authority in the Soviet Sector.

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2. Security

Minimum Requirement - A modus vivendi requires an international guarantee of Berlin's integrity and its freedom of access plus a security force adequate not only to maintain internal order but also to ensure the operation of the international guarantee (including a NATO guarantee).

Present Situation - Berlin's security is maintained by 10,000 Western Allied troops in occupation status, by the Berlin Police and its para-military units, and by the moral suasion of the Allied and NATO guarantees for Berlin.

Question for Working Group Discussion - Must the security force be by a Western occupation force or is there some acceptable substitute therefor? Must an international guarantee, to be meaningful, necessarily be associated with the present status of the Western Powers in Berlin?

3. Recourse

Minimum Requirement - A modus vivendi must provide some procedure for the arbitration of complaints, including complaints about infringements of freedom of access.

Present Situation - The remnants of four-power occupation provide such a mechanism but this mechanism has been of limited use and the Soviets have increasingly rejected responsibility and invoked the "sovereignty" of the GDR.

Question for Working Group Discussion - What is the necessary role of the Soviets in such a procedure?

4. Freedom of Access

Minimum Requirement - A modus vivendi should if possible reduce existing obstructions to the free movement of persons and goods between Berlin and the West; at least it should maintain freedom of access at its present level.

Present Situation - All surface traffic -- except that of the Allied Occupation forces -- moves only with the permission and under the control of the GDR. Although the city's transport and communication requirements have generally been met, harassment is chronic and some types of traffic are entirely blocked. Air traffic moves freely, but is carried only by allied aircraft operating on the basis of occupation rights and quadripartite agreements.

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Question for Working Group Discussion - What is the necessary role of the Soviets in connection with freedom of access?

5. Economic Viability

Minimum Requirement - A modus vivendi must ensure that Berlin's economic life is maintained at least at present levels; in practical terms this means that Berlin must be incorporated into the economic area of the Federal Republic.

Present Situation - The almost complete economic separation of the Western Sectors from the surrounding area is compensated for by the incorporation of the Western Sectors into the monetary, fiscal and economic systems of the Federal Republic and by a budget subsidy and other forms of economic assistance from the Federal Republic. Economically, the Soviet Sector has become a part of the Soviet Zone.

6. German Unity

Minimum Requirement - A modus vivendi should avoid the creation of new obstacles to reunification and must not sever the ties which have been maintained or freely established between one part of Germany and another (i.e. between Berlin and the Federal Republic) and must do nothing incompatible with Berlin's role as the future all-German capital.

Present Situation - The Western Powers have permitted the closest association of Berlin with the Federal Republic compatible with Berlin's special status as an area under military occupation. Nearly all Federal laws and treaties apply in Berlin and Berlin is represented abroad by the Federal Republic. Berlin's role as a symbol of national unity has been stressed. However, the separation of East from West Germany is almost complete and only limited freedom of circulation remains between East and West Berlin.

7. Reduction of Tension

Minimum Requirement - A modus vivendi should, to the extent possible, reduce the tension which arises as a result of Berlin's position between the Free and Communist Worlds.

Present Situation - Tension has been chronic in Berlin since 1946, led to a grave crisis in 1948-49, and has again approached the critical stage with the Soviet threats of November 1958.

Questions for Working Group Discussion - Are Berlin's security and freedom likely to be undermined by increasing Communist pressures? Can tensions be reduced only at the price of weakening Berlin's security and freedom?

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8. Self-Determination

Minimum Requirement - A modus vivendi must be acceptable to the people of Berlin.

Present Situation - The existing status of Berlin has been approved expressly by the Berlin Senat and indirectly by the population through its support in elections of parties which approve this status. However, this approval tends to be obscured by the emphasis given to Allied occupation rights.

Question for Working Group Discussion - What would be considered a satisfactory expression of acceptance by the people of Berlin?

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